

REMARKS

Reconsideration of this application, as amended is respectfully requested. Claim 1 is amended. Support for this amendment is found throughout the specification and drawings, for example, at page 3, lines 30-33 and page 7, lines 8-16. No new matter has been added.

1. A Prima Facie Case of Obvious Has Not Been Made Because the Cited References Teach Away From What the Applicants Claim

Claims 1-3 and 5 have been rejected under 35 U.S.C. §103 as being unpatentable over Logan (US 5,277,736) in view of Pilkington (US 4,920,495). Claim 4 has been rejected under 35 U.S.C. §103 as being unpatentable over Logan in view of Pilkington, and in further view of Nelson (US 4,624,169). Applicants traverse the rejections and submit a prima facie case of obviousness has not been made.

Logan describes adjustment of a counterweight (26) to cut sheet material M that has relative thickness. Logan is silent as to moving a cutter head in response to a blade touching a reference surface on the cutting apparatus during a cutting operation as the Applicants claim. In fact, Logan teaches away from such an arrangement as the Applicants claim by using a memory means to move the tool head based on only instructions inputted prior to the cutting operation (See, Col. 5, lines 4-9 and 43-50).

Pilkington describes an operation of a cutting machine having a sensor unit (64) that is replaced by the cutting tool before the cutting operation. The sensor unit (64) puts height information into memory so that the required blade height is derived from memory. (See, Col. 5, lines 44-55) As stated by the Examiner in the present office action at the bottom of page 5, Pilkington's pre-scan step determines the position of the blade. Thus, no real-time sensing and adjustment of the blade height

can be done during the cutting operation using the Pilkington apparatus. It would be impossible to move the cutting head or blade during the cutting operation using the Pilkington apparatus because of the need to replace the sensor with the blade.

Nelson does not use a reference surface as the Applicants claim. Nelson teaches away from what the Applicants claim by using an ultrasonic sensor to determine wall thickness of a part. (See, Col. 2, lines 50-55).

The Applicants, on the other hand, claim a method utilizing a cutting apparatus that includes a reference surface for providing a controller with information regarding the location of the cutting blade. During the cutting operation, the blade can be moved in accordance with command signals generated by the controller when the blade touches the reference surface located on the cutting apparatus. (See, Applicants' specification, page 3, lines 30-33 and page 7, lines 8-15). The cutting apparatus compensates for non-uniform thickness of the working material.

The Logan reference in combination with Pilkington and Nelson does not render obvious the method of the present invention having blade mobility during the cutting operation as recited in claim 1. One skilled in the art reading these references would not be led to the instant invention, because none of the cited references teach or suggest the invention. For these reasons, Applicants respectfully request reconsideration and withdrawal of this §103 rejection.

2. Applicants Disagree with the Examiner's Interpretations of the Cited References and the Examiner's Contention in "Response to Arguments" Section

Applicants respectfully disagree with the Examiner's interpretations concerning the cite references that the claimed elements are found in the above references. None of the cited references disclose a method that includes programming a controller with graphic cutting data and carrier layer data, selectively cutting material in response to signals from the controller, moving a cutter head (and blade) responsive to graphic cutting data, and causing the blade to cut in response to commands from the controller.

Clearly, there are significant structural and functional differences between the cited references and what the Applicants now claim. Logan merely describes weeding or removing material around a graphic by placing an overlay sheet on the graphic and pulling the surrounding material away. Logan is silent as to moving a cutter head or blade as the Applicants claim. Pilkington utilizes a scanning technique that pre-scans the work surface. Nelson does not utilize a reference surface.

Applicants further contend that Claim 1 does recite that the blade cuts through the carrier layer in contrast to the Examiner's position stated in the present Office action. The Examiner's attention is respectfully requested at Claim 1 subparagraph 7, which states in part "causing said blade to engage said carrier layer and...selectively cutting through portions of said carrier layer."

**CONCLUSION**

It is respectfully submitted that the pending claims are patentable and in condition for allowance. Early and favorable reconsideration is earnestly solicited.

If any issues remain, or if the Examiner has any suggestions for expediting allowance of this application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

**AUTHORIZATION**

The Assistant Commissioner is hereby authorized to charge any additional fees that may be required for this response to Deposit Account 13-4500, Order No. 4759-4014US1, and is hereby petitioned for any extension of time that may be required to make this response timely. **A DUPLICATE OF THIS SHEET IS ATTACHED.**

Respectfully submitted,  
**MORGAN & FINNEGAN, L.L.P.**

Date: January 20, 2005

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